

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**TRUSTEES OF THE NATIONAL
ELEVATOR INDUSTRY PENSION
FUND,**

Plaintiff,

v.

ROBERT W. CAVINESS, et al.

Defendant.

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CASE NO.: 2:08-CV-162-MEF

ANSWER

COMES NOW, Defendant, Robert W. Caviness, by and through undersigned counsel, and responds to Plaintiffs' Original Complaint in Interpleader as follows:

1. Defendant, Robert W. Caviness, admits the allegations contained in paragraphs 1-3 of the complaint.
2. Defendant, Robert W. Caviness, is without sufficient knowledge to admit or deny the allegations contained in paragraphs 4 and 5 of the complaint and, therefore, denies those averments and demands strict proof thereof.
3. Defendant, Robert W. Caviness, admits the allegations contained in paragraphs 6-10 of the complaint.
4. Defendant, Robert W. Caviness, is without sufficient knowledge to admit or deny the allegations contained in paragraphs 11-14 of the complaint and, therefore, denies those averments and demands strict proof thereof.
5. Defendant, Robert W. Caviness admits the allegations contained in paragraph 15 of the complaint.

6. Defendant, Robert W. Caviness, is without sufficient knowledge to admit or deny that Rhonda Caviness requested the pension benefit payable by the Fund be paid to the two children of the participant and his ex-spouse, D.C. and Dallas Caviness and, therefore, denies those averments and demands strict proof thereof. Defendant, Robert W. Caviness, admits that portion of paragraph 16 alleging that he requested payments of the pension benefits.
7. Defendant, Robert W. Caviness, is without sufficient knowledge to admit or deny the allegations contained in paragraph 17-20 of the complaint and, therefore, denies those averments and demands strict proof thereof.
8. Paragraph 21 is conclusory and, therefore, Defendant, Robert W. Caviness, has no basis to admit or deny the same.

Respectfully submitted this the 1st day of April, 2008.

/s/ Terrie S. Biggs
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CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2008, I electronically filed the foregoing with the Clerk of the Court, which will send notification of such filing to the following:

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and I have served a copy by U.S. Mail, properly addressed and postage prepaid on the following:

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/s/Terrie S. Biggs _____
OF COUNSEL